

# Rudin Management Company, Inc.

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December 10, 2002

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

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Re: hi the Matter of Allocations and Service Rules for the 71-76 GHz, 81-86 GHz and 92-95 GHz Bands, WT Docket No. 02-146; Loea Communications Corporation Petition for Rulemaking, RM-10288

Dear Ms. Dortch:

Rudin Management Company supports the "Comments of the Wireless Communications Association International, Inc." filed in response to the Federal Communications Commission's Notice of Proposed Rulemaking in the above referenced proceeding on November 1, 2002. Rudin Management Company is among the largest owners and managers of commercial real estate space in New York City with over 13,000,000 square feet of property that we both own and manage (about the size of the entire former World Trade Center).

We encourage the expeditious approval of spectrum use in the commercial sector. We are currently evaluating the use of millimeter wave technology to implement a resilient backup broadband communications infrastructure in Lower Manhattan because we believe this spectrum holds great potential to address critical business needs for us and for our tenants. Therefore we have great interest in the licensing rules that are adopted for spectrum usage. Further, we believe that the FCC rules will have a significant impact on the availability of resilient broadband communications access in New York City and throughout the United States. It will have tremendous consequence with regard to overall US economic productivity, competitiveness, and quality of life for our citizens.

Specifically, and most importantly, we believe that both our own interests and those of commercial institutions worldwide will be served best by FCC rulemaking which supports two critical requirements:

1. Spectrum users must be assured that providers have the necessary rights to utilize the spectrum and in particular utilize the spectrum on a non-interference basis: Effective use of this high bandwidth technology will require that it support substantial investments in systems, processes and personnel. We will be unlikely to utilize the technology to its full potential if rights to utilize the spectrum are vested in a third-party non-provider spectrum manager or if the spectrum would be subject to, or have to tolerate, interference. Therefore we believe that for the United States to realize the full value of the technology, spectrum must be licensed to users for a period of time sufficient to warrant the substantial investments associated with its deployment.

Marlene H. Dortch, Secretary, FCC

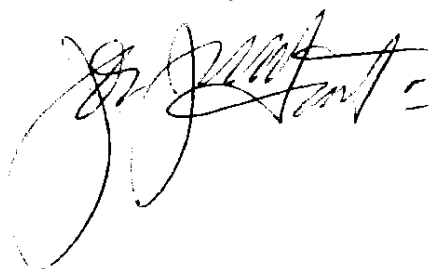
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2. Spectrum cost must remain low: We encourage the FCC to adopt rules that keep the cost of spectrum use as low as practical. We believe that low spectrum costs coupled with the elasticity of demand for communications capacity will improve the economic condition of the telecommunications industry by improving utilization of currently under valued assets (dark fiber). We also believe that the total economic and social benefit derived from low cost bandwidth availability will more than compensate for any potential lost spectrum license revenues.

We believe that the position established by the Wireless Communications Association International (WCAI) in its November 1, 2002 comments fully supports our two major concerns as expressed above.

Sincerely,

A handwritten signature in black ink, appearing to be "JJG", with a stylized flourish at the end.

JJG:mjg